

REMARKS

In view of the Office Action of October 2, 2006, claims 1-20 stand rejected. All claims 1-20 are pending in this application. Independent claims 1 and 17 have been amended to clarify the claimed invention. Claims 2, 14, and 17 have further been amended to clarify the present invention in order to more particularly point out and distinctly claim the subject matter which Applicants regards as the invention.

Claims 1-20 stand rejected under 35 USC §103(a) as being unpatentable over Garrett et al. (U.S. Patent Application 2004/0101402) in view of Rowe et al. (U.S. Patent No. 5,887,419), and further in view of Kaneko et al. The office action states that these references in combination disclose the method as claimed by Applicants.

Nevertheless, none of these references suggests combining the teachings of the references in order to achieve the method as disclosed by the Applicants. Moreover, even if one were to combine the references, the method as claimed by Applicants would not be created. More specifically, Applicants disclose a method in which the data coincidences relating to a range of throttle settings is ascertained in order to model a region of safe operation of the turbocharger. None of the cited references teaches modeling and in some cases as taught by the Applicants remodeling of various throttle settings in order to ascertain a region of safe operation. Instead, for example, Kaneko describes modeling for only a specific parameter, not a range based on various throttle settings.

Importantly, as discussed in paragraph 31 of Applicants' specification, once ascertainment of possible data coincidences has been performed, the region of safe operation of the turbocharger can be changed as desired. In this regard, one or more new throttle settings may thereupon be selected, with a correlation to a new discrete rotational

speed of the turbocharger, without encountering a data coincidence. For example, FIG. 4 depicts a new discrete rotation speed 104' of the turbocharger as a result of selection of a new, higher speed throttle setting of the diesel engine, wherein it will be seen that there is no data coincidence of natural frequency 110 of the turbine blades and the turbine vane nozzle aerodynamic excitation 114 at the rotation speed 104'. Thus, the diesel engine operation is more efficient and/or has lower emissions, wherein the operation of the locomotive is at optimum power and fuel economy.

The Examiner will appreciate that Applicants have amended the claims in order to clarify that data coincidences relating to a range of throttle settings is ascertained. Once again, a direct advantage to such is that a safe operating region for the turbocharger may be obtained.

Accordingly, Applicants respectfully request withdrawal of the 103(a) rejection. In view of the foregoing, reconsideration and allowance of all claims are respectfully requested. If there are any remaining issues, the Examiner is welcomed to contact the undersigned at (312) 236-8500.

Respectfully submitted,
COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.

By: /Panasarn Aim Jirut/
Panasarn Aim Jirut, Reg. No. 51,849

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200 West Adams Street
Suite 2850
Chicago, Illinois 60606
(312) 236-8500